THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

WRIT PETITION No.1907 of 2007

Dated 30-04-2007

Between:

Bhagyalaxmi Bamboo Workers Industrial Co-operative Soceity, Kasibugga, Warangal

…Petitioner

And

The General Manager, District Industries Centre, Warangal and others.

…Respondents

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ORDER:

The petitioner is an Industrial Co-operative Society, of Bamboo Workers, which challenges the proceedings dated 20-12-2006, issued by the 1st respondent.

The petitioner-society initiated action for expulsion of 13 members, including the respondents, i.e. respondents 4 to 15, and another. Initially, a resolution was passed on 19-10-2003, to request the 1st respondent to expel the said members. The resolution was forwarded to the 1st respondent. It is stated that an objection was taken by him, pointing out that the effected persons were not issued notices, as required under Section 23 of the A.P. Co-operative Societies Act (for short '*the Act*'). Thereafter, notices are said to have been issued to the members, proposed to be expelled, and a resolution was passed on 07-11-2006.

Through the impugned memo, the 1st respondent took the view that respondents 4 to 15 continued to be the members, and directed the petitioner to supply and distribute Bamboo to them also. Petitioner contends that the expulsion of respondents 4 to 15 became final, and the impugned proceedings cannot be sustained in law.

The 1st respondent filed a counter affidavit, stating *inter alia* that the petitioner did not follow the prescribed procedure, and respondents 4 to 15 still continued as the members. It is stated

that the petitioner violated the provisions of law, and the impugned order is only an attempt to require the petitioner, to comply with the relevant provisions, and to protect the interests of members.

Respondent 4 to 15 have also filed a counter affidavit. They allege that the Managing Committee of the Society is acting contrary to the interests of the members, and when their misdeeds were pointed out, one after the other; steps were taken contrary to law.

Heard the learned counsel for the petitioner; learned Government Pleader for Industries, and learned Counsel for respondents 4 to 15.

Section 23 of the Act prescribes the procedure to be followed, whenever the member of a society is expelled. A show cause notice is required to be issued to the effected parties. The general body of the petitioner-society passed a resolution
on 19-10-2003, recommending expulsion of respondents 4 to 15, and another. This was not preceded by any show cause notice to the effected parties. When the copy of the resolution was forwarded to the 1st respondent, the Functional Registrar, an objection was raised, as to the procedural requirement.

In view of the objection raised by the 1st respondent, notices are said to have been issued to the effected parties. Another meeting of general body was held on 07-11-2006. Once again,
a resolution was passed, requesting the 1st respondent to take steps for expulsion of the respondents 4 to 15, and another. It means, that the resolution, by itself, did not bring about expulsion of the persons, named therein. It is a matter of record, that the 1st respondent has not passed any order, expelling the said members. Therefore, the petitioner cannot refuse supply of Bamboo to respondents 4 to 15.

Once they continued to be the members, they are entitled to be supplied Bamboo, on par with any other member. This is what the 1st respondent tried to ensure through the impugned proceedings. This Court does not find any basis to interfere with the same.

The writ petition is accordingly dismissed. It is however, made clear that in case, the petitioner intends to expel any of its existing members, it shall be open to it, to take necessary steps
in accordance with law.

Through the interim order dated 02-02-2007, this Court directed that, 1/3rd of the Bamboo, received by the petitioner, shall be kept aside. It was meant, for being distributed to the respondents 4 to 15, and the other expelled member. The Bamboo so kept aside, shall be distributed to them, duly obtaining individual receipts.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.30-04-2007
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